



IFW 3732

Docket No. DEP546

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Serhan et al.

Serial No. : 09/822,126

Art Unit: 3732

Filed : 03/30/2001

Examiner: Manahan, Todd E.

For : Intervertebral Connection System

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 14, 2004  
(Date of Deposit)

Thomas M. DiMauro  
(Name of applicant, assignee, or Registered Representative)

Amy Schier  
(Signature)

May 14, 2004  
(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows: see attached English abstract for NL1009471.

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP546/TMD. This form is submitted in triplicate.

Respectfully submitted,



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DATED:

S-17-04



PTO/SB/08A (08-00)

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 4

Application Number	09/822,126
Filing Date	March 30, 2001
First Named Inventor	Serhan et al.
Group Art Unit	3732
Examiner Name	Manahan, Todd E
Attorney Docket Number	DEP546

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,610,688		Silvestrini et al.	09/1986	
		4,665,951		Ellis	05/1987	
		4,728,329		Mansat	09/1986	
		4,755,183		Kenna	07/1988	
		4,772,287		Ray et al.	09/1988	
		4,834,755		Silvestrini et al.	05/1989	
		4,883,486		Kapadia et al.	11/1989	
		4,904,260		Ray et al.	02/1990	
		4,917,700		Aikins	04/1990	
		4,955,911		Frey et al.	09/1990	
		5,011,484		Breard	04/1991	
		5,157,111		Pachence	10/1992	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	0304305		Cedar Surgical	03/1987		
		EP	0353936		RayMedica, Inc.	02/1990		
		WO	98/55053		Raymedica, Inc.	12/1998		
		WO	99/47082		Raymedica, Inc.	09/1999		
		WO	99/62439		Raymedica, Inc.	12/1999		
		WO	00/64365		SDGI Holdings	11/2000		
		FR	2709410		Societe dite JBS Societe	09/1993		

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Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. <sup>6</sup> If possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 4

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		Number	Kind Code <sup>2</sup> (if known)			
		5,376,188		Kaplan et al.	12/1994	
		5,380,328		Morgan	01/1995	
		5,397,359		Mittelmeier	03/1994	
		5,496,372		Hamamoto	03/1996	
		5,540,964		Mallen	07/1996	
		5,609,634		Voydeville	03/1997	
		5,634,944		Magram	06/1997	
		5,711,960		Shikinami	01/1998	
		5,721,049		Marcolongo et al.	02/1998	
		5,824,093		Ray et al.	10/1998	
		5,906,828		Cima et al.	05/1999	
		6,031,148		Hayes et al.	02/2000	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	0507162		Waldemar Link GmbH & co			
		FR	2612392		Dr. Michel Audion			

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Sheet 3 of 4

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		Number	Kind Code <sup>2</sup> (if known)			
		6,045,554		Grooms et al.	04/2000	
		6,077,076		Comfort	06/2000	
		6,113,640		Tomala et al.	09/2000	
		6,121,172		Marcolongo et al.	09/2000	
		6,143,036		Comfort	11/2000	
		6,162,537		Martin et al.	12/2000	
		6,332,894		Stalcup et al.	12/2001	
		5,171,273		Silver et al.	02/1992	
		5,222,987		Jones	06/1993	
		6,086,589		Kuslich et al.	07/2000	
		2002/0107570		Sybert, Daryl R. et al.	08/2002	
		2002/0120270		Hai Trieu et al.	08/29/2002	

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Sheet 4 of 4

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<b>Group Art Unit</b>	3732
<b>Examiner Name</b>	Manahan, Todd E
<b>Attorney Docket Number</b>	DEP546

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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